

Court File No.: CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

- and -

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

MOTION RECORD

(Returnable Thursday, February 10, 2022 at 2:30 PM)

Dated: February 10, 2022

MICHAEL A. WILLS
LSO # 397970
(T) 519-255-4323
(E) mwills@mctaguelaw.com

DARWIN E. HARASYM
LSO # 65529W
(T) 519-255-4364
(E) dharasym@mctaguelaw.com

McTAGUE LAW FIRM LLP
Barristers & Solicitors
455 Pelissier Street
Windsor, Ontario N9A 6Z9

LAWYERS FOR THE PLAINTIFF

WITHOUT NOTICE

[2174913/1]

INDEX

1. Notice of Motion
2. Affidavit of Flavio Volpe;
3. Affidavit of Jason Bellaire;
4. Affidavit of Brian Kingston;
5. Affidavit of Brayden Boughner;
 - A. Exhibit “A” - CBC News article dated February 10, 2022;
 - B. Exhibit “B” - Toronto Star article dated February 9, 2022;
 - C. Exhibit “C” - Windsor Star article dated February 9, 2022;
 - D. Exhibit “D” - Windsor Star article dated February 8, 2022
6. Affidavit of Jason Ward Reynar
 - A. Exhibit “A” - Bylaw number 9148

TAB 1

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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DARLENE THOMPSON and JOHN DOE**

**Defendants/
Responding Parties**

NOTICE OF MOTION

THE PLAINTIFF will make a Motion to a judge on Thursday, February 10, 2022 at 2:30 PM, WITHOUT NOTICE, or as soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING:

- ☐ In writing under subrule 37.12.1 (1) because it is made without notice;
- ☐ In writing as an opposed motion under subrule 37.12.1 (4);
- ☐ In person;
- ☐ By telephone conference;
- X By video conference.**

at the following location: 245 Windsor Avenue, Windsor, Ontario, N9A 1K2

THE MOTION IS FOR:

- (a) If necessary, an Order waiving, abridging the time for and validating the service, filing and confirmation of this Notice of Motion and the materials filed in support thereof;
- (b) An Order for an interim, interlocutory and/or permanent injunction restraining and enjoining the Defendants and any person having notice of the Order from impeding or blocking access to and from the Ambassador Bridge;
- (c) Costs of this Motion on a substantial indemnity basis against anyone who opposes the relief sought, or, on such other terms as this Honourable Court may deem just; and
- (d) Such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

- (a) There is a *prima facie* case;
- (b) Irreparable harm will be suffered should the relief requested herein not be granted, for which it will not be able to be compensated in damages;
- (c) The balance of convenience favours the granting of the relief;
- (d) The Defendants are in breach of various City of Windsor Bylaws;
- (e) The Plaintiff undertakes to commence a proceeding forthwith;
- (f) Rules 1.04, 2.03, 3.02, 37, 37.07(2), 37.17, 39.03(4), and 40 of the *Rules of Civil Procedure* of the *Rules of Civil Procedure*;
- (g) Section 101 of the *Courts of Justice Act*;
- (h) Section 440 of the *Municipal Act, 2001*; and
- (i) Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The Affidavits sworn in support of the Motion;
- (b) *Viva voce* evidence of witnesses; and
- (c) Such further and other material as counsel may advise and this Honourable Court may permit.

Dated: February 10, 2022

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Windsor, Ontario N9A 6Z9

LAWYERS FOR THE PLAINTIFF

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

v.

JIM BOAK et al

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT WINDSOR

NOTICE OF MOTION

MICHAEL A. WILLS
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LAWYERS FOR THE PLAINTIFF

Our File: 80695

TAB 2

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

- and -

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

AFFIDAVIT OF FLAVIO VOLPE

I, Flavio Volpe, of the City of Toronto in the Province of Ontario, MAKE OATH

AND SAY:

1. I, Flavio Volpe, am the President elect of the Automotive Parts Manufacturers' Association (hereinafter the "APMA"). I make this affidavit in support of an interim interlocutory injunction and for no other purpose.

2. The APMA is Canada's national association representing OEM producers of parts, equipment, tools, supplies, advanced technology, and services for the worldwide automotive industry.

3. Founded in 1952, its members account for 90% of independent parts production in Canada.

4. I represent the APMA to the worldwide automotive industry, working closely with officials in Ottawa, Washington, and Mexico City during the 2017-19 NAFTA renegotiations. Additionally, I led the effort to secure an unexpected and unprecedented

[2187939/1]

increase in Regional Value Content for Canadian automotive suppliers in the new

5. When the global COVID19 pandemic created a dangerous medical equipment shortage in Canada in early 2020, I launched one of the biggest peacetime mobilizations of the country's industrial capacity ever. This effort resulted in the largest build-orders of ventilators, face shields, surgical masks, and gowns in Canada's history.

6. I speak regularly on behalf of industry interests and am a sought-after voice by leading global publications including The Economist, New York Times, Bloomberg, Wall Street Journal, CNN, BBC, CNBC, Globe and Mail and Washington Post. I was recognized as a top Industry Leader in the 2017, 2018, 2019 and 2020 editions of Automotive News Canada's All-Stars.

7. I hold a Master's in Business Administration from the Schulich School of Business at York University and a Bachelor's degree in International Relations from the University of Toronto.

8. As of 2020 the automotive sector contributed approximately \$12.5 billion towards the Canadian GDP.

9. Vehicles are the second largest Canadian export by value at \$42.9 billion in 2020 of which 93% was exported to the U.S. U.S. automotive states, mainly Michigan, purchase approximately \$50 million dollars per day with of parts from Canadian firms, most of which travel over the Ambassador Bridge at Windsor.

10. As of 2020 the automotive sector accounted for \$16-billion dollars' worth of investment in Canada and employed 117,000 direct employment another approximately 370,000 in indirect jobs.

11. The Detroit-Windsor crossing represents the highest number of loaded truck container crossings annually. In 2020, there were over 2.2 million truck crossings on the Ambassador Bridge - a significant percentage of these would be auto manufacturing related.

12. Canada was the 12th leading vehicle producer in the world as of 2019.

[2187939/1]

13. The APMA represents 178 members and specifically represents 19 located directly in the City of Windsor, and in total 15 additional companies in the surrounding region.

14. It is estimated that approximately \$100 million dollars' worth of parts cross the border every day between the US and Canada.

15. The blockade at the border is estimated at costing \$50 billion dollars per day. This cost will be directly felt by Canadian/Ontario/Windsor companies and has already resulted in shutdowns and partial layoffs at companies we represent.

16. The nature of the automotive business is that it operates on Just-in Time Principles (JIT). JIT requires working closely with suppliers so that raw materials, components and parts arrive as production is scheduled to begin, but no sooner. The goal is to have the minimum amount of inventory on hand to meet demand.

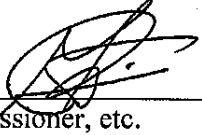
17. Automotive Production is sequenced. Therefore, parts and components are precisely timed for delivery within the sequenced production. Any impediment to that process likely causes production stoppages which lead to shift-downs, then shutdowns, and workers not being able to attend to their jobs.

18. The APMA undertakes to forthwith commence or have commenced an action for damages as against the Defendants and any other persons that may subsequently be identified.

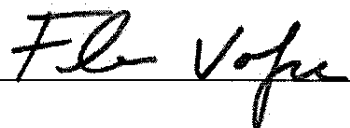
SWORN BEFORE ME at the City of

Windsor, in the City of Toronto

this 10th day of February, 2022.


A Commissioner, etc.

Gian Paolo Vesco,
Barrister & Solicitor



TAB 3

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

**Plaintiff/
Moving Party**

- and -

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LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE**

**Defendants/
Responding Parties**

AFFIDAVIT OF JASON BELLAIRE

I, Jason Bellaire, of the Town of LaSalle, County of Essex, Province of Ontario MAKE
OATH AND SWEAR AS FOLLOWS:

1. I am a member of the Windsor Police Service and hold the rank of Deputy Chief of Police.
2. From Monday February 7, 2022 through to Thursday February 10, 2022, I have attended, as part of my official police duties, a public demonstration at the intersection of College Avenue and Huron Church Road in the City of Windsor (the "Location").

3. The Location forms the primary entrance and exit from the Ambassador Bridge International Crossing from Windsor, Ontario, Canada to Detroit, Michigan, U.S.A (the "Bridge").
4. I have attended the Location and have viewed the Location remotely by live video footage on multiple occasions during the aforesaid dates, I have observed numerous unknown and unnamed persons (the "Protesters") and stationary vehicles occupy and block the primary entrance and exit from the Bridge. The Protesters and vehicles parked on the roadways have effectively formed a blockade of the primary entrance and exit of the Bridge.
5. The blockade resulted in the complete closure of all Canada-bound vehicular traffic from the Bridge and severely limited US-bound vehicular traffic on the Bridge to only the secondary Bridge entrance located on Wyandotte Street West in Windsor.
6. Sometime during the evening hours of February 9, 2022 or the early morning hours of February 10, 2022, unnamed persons and vehicles intermittently blocked the secondary Bridge entrance on Wyandotte Street (the "Secondary Location"), in Windsor, Ontario.
7. As of the time of swearing this Affidavit, all access and exit to and from the Bridge has been obstructed by the Protestors.
8. I, and other Windsor Police Service officers, have attended the Location and the Secondary Location on multiple times from February 7, 2022 through to February 10, 2022 and have

asked the Protesters blockading the Bridge entrances and exit to disperse to end the blockade of the highway and access to the Bridge.

9. Windsor Police Service efforts to have the Protesters actively blockading the Bridge disperse have been unsuccessful and the blockade continues as of the time of my swearing of this Affidavit.

10. The Protesters at the Location and the Secondary Location are blocking a highway, namely the intersection of College Avenue and Huron Church Road, and Wyandotte Street West immediately adjacent to the Bridge, and are thereby causing a disturbance by impeding members of the public and vehicular traffic to and from the Bridge.

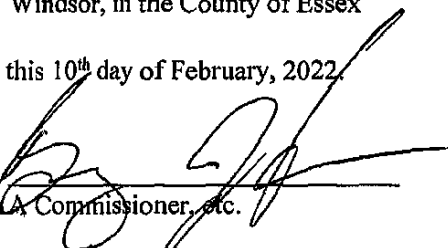
11. It is my belief that the actions of the Protesters are contrary to provisions of Criminal Code of Canada sections 175(1), 180(2), 430(1)(c)(d), and 423(1)(g).

12. I swear this Affidavit in support of a motion for an injunction and for no other or improper purpose.

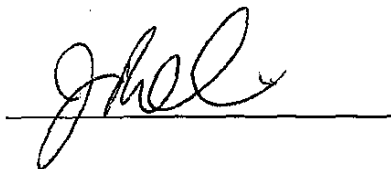
SWORN BEFORE ME at the City of

Windsor, in the County of Essex

this 10th day of February, 2022.


A Commissioner, etc.

Bryan Jason Lockyer, a Commissioner, etc.,
Province of Ontario, for McTague Law Firm LLP,
Barristers and Solicitors.
Expires August 15, 2023.



TAB 4

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

- and -

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DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

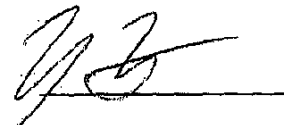
AFFIDAVIT OF BRIAN KINGSTON

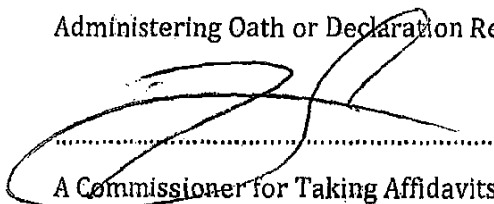
I, Brian Kingston, of the Province of Ontario MAKE OATH AND SWEAR AS
FOLLOWS:

1. I am employed by the Canadian Vehicle Manufacturers Association ("CVMA") as President and Chief Executive Officer.
2. The CVMA represents automotive manufacturers with operations in Canada, including General Motors of Canada Company, Ford Motor Company of Canada, Limited, Stellantis (FCA Canada Inc.).
3. CVMA members use the Ambassador Bridge International Crossing at Windsor-Detroit everyday for vehicle and parts manufacturing operations.

4. The Ambassador Bridge is a vital part of CVMA member's vehicle assembly and parts manufacturing operations.
5. The current blockade of the Ambassador Bridge has significantly disrupted, reduced, and in some cases has stopped vehicle assembly operations at multiple assembly plants in Canada and the USA.
6. Ford plants in Windsor and Oakville are currently running at reduced capacity because of parts shortage caused by the blockade.
7. At Stellantis, Tuesday & Wednesday both AM & PM shifts were cut short at the Windsor Assembly Plant. Wednesday both AM & PM shifts were cut short at the Brampton Assembly Plant. Thursday both plants resumed production for AM shift. Windsor assembly plant is down the afternoon of February 10, 2022.
8. The disruptions and plant stoppages caused by the blockade at the Ambassador Bridge, and other crossings, have cost and continue to cost CVMA members immeasurable sums of money.
9. I swear this Affidavit in support of a motion for an injunction and for no other or improper purpose.

Sworn remotely by Brian Kingston
 at the City of Ottawa, before me
 this 10 day of February, 2022 in the City of Windsor
 in accordance with O. Reg. 431/20,
 Administering Oath or Declaration Remotely.


 Brian Kingston


 A Commissioner for Taking Affidavits etc.

David M. Amyot
 LSIC #450022

TAB 5

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

AFFIDAVIT OF BRAYDEN BOUGHNER

I, BRAYDEN BOUGHNER, of the Town of Tecumseh, in the County of Essex and
Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

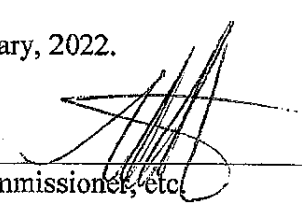
1. I am an articling student at McTague Law Firm LLP, lawyers for the Plaintiff in this matter, and, as such, I have knowledge of the matters hereinafter deposed, except where I have received information from others, in which case I disclose the source of the information and verily believe it to be true.
2. On or about February 10, 2022, I commenced a search for individuals who have been identified as participants in the protest hindering access to the Ambassador Bridge in Windsor, Ontario. As a result of this search, I confirmed the following individuals to be participants:

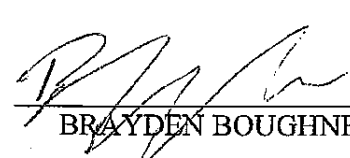
- a) **Manbae Singh-Gall.** Attached hereto and marked as **Exhibit “A”** to this my Affidavit is a copy of a CBC News article dated February 10, 2022, which confirms the individual’s participation in the protest. He is referred to as being the operator of the first vehicle parked and blocking an entrance to the Ambassador Bridge and attributed as saying, “It was a standoff, but we had grit and spirit, they have salaries...If they can run shifts, we can run shifts”.
- b) **Leo Lucio.** Attached hereto and marked as **Exhibit “B”** to this my Affidavit is a copy of a Toronto Star article dated February 9, 2022, which confirms the individual’s participation in the protest as he is attributed to have stated that he had spent the better part of the previous three days at the protest in Windsor.
- c) **Lori Inverarity & Jim Boak & Darlene Thompson & Joanne Callaway.** Attached hereto and marked as **Exhibit “C”** to this my Affidavit is a copy of a Windsor Star article dated February 9, 2022, which confirms the participation of each individual in the protest. Both Lori Inverarity and Jim Boak are attributed to have given statements to the Windsor Star on February 9, 2022 during their participating in the protest while Darlene Thompson and Joanne Callaway were attributed to have travelled together to the protest on February 9, 2022.
- d) **Hilda Fisher & Gil Ponte.** Attached hereto and marked as **Exhibit “D”** to this my Affidavit is a copy of a Windsor Star article dated February 8, 2022, which confirms the participation of each individual in the protest. Hilda Fisher was attributed to have given statements to the Windsor Star on February 7, 2022 as she participated in the protest. Additionally, Gil Ponte is attributed to have stated that he had been present at the protest for four hours prior to 6:30 pm on February 7, 2022 and “had no intentions of leaving any

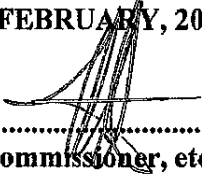
time soon.”

3. I make this Affidavit in support of a motion for injunction and for no other or improper purpose.

SWORN BEFORE ME at the City of
Windsor, in the County of Essex and
Province of Ontario this 10 day of
February, 2022.


A Commissioner, etc.


BRAYDEN BOUGHNER

THIS IS EXHIBIT "A"
REFERRED TO IN THE AFFIDAVIT OF
BRAYDEN BOUGHNER
SWORN BEFORE ME THIS 10th DAY
OF FEBRUARY, 2022

.....
A Commissioner, etc.

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies | CBC News



Search

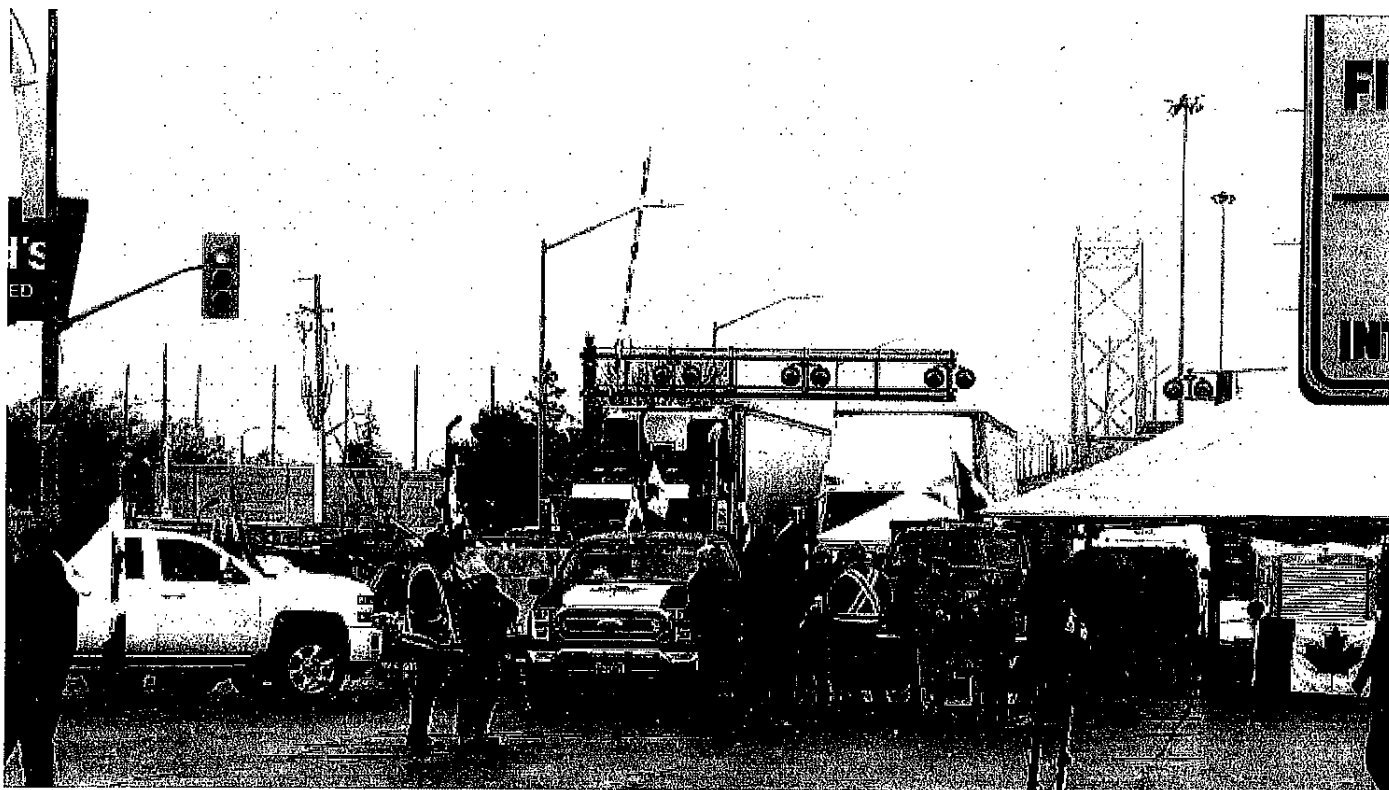
Sign In

Windsor • Updated

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies

All traffic blocked from entering or exiting bridge connecting Windsor, Ont., to Michigan

CBC News • Posted: Feb 10, 2022 9:38 AM ET | Last Updated: 6 minutes ago



A blockade in front of Windsor, Ont.'s Ambassador Bridge, which links the city to Michigan, has entered a fourth day. (Darrin Di Carlo/CBC)

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies | CBC News

comments



The latest developments:

- **Protesters block only street leading to side entrance to Ambassador Bridge.**
- **Prime minister, Ontario premier have late phone call Wednesday about bridge blockade.**
- **CBSA says bridge "temporarily closed," diverts commercial traffic to Blue Water Bridge in Sarnia.**
- **Protesters block portion of Highway 402 heading toward Blue Water Bridge, say OPP.**
- **Blue Water bridge experiencing three-hour delay for commercial traffic.**

Protesters in Windsor, Ont., have completely blocked off the only side-street entrance to the Ambassador Bridge, a major U.S.-Canada trade route, on Thursday as rallies against pandemic mandates continued into their fourth day.

During the first three days, Windsor police were able to keep one side street entrance to the bridge clear for the slow trickle of traffic.

However, overnight Wednesday and early Thursday morning, protesters moved to block an area of the street, forcing transport trucks and other traffic to a halt in the city's downtown core. The main artery to the bridge, Huron Church Road, has been blocked since Monday afternoon.

One truck driver told CBC News he has been stuck in city traffic for more than seven hours.

CBC News witnessed an increased presence of Ontario Provincial Police at the protest sites in Windsor on Thursday.

- **CBC INVESTIGATES** How organizers with police and military expertise may be helping Ottawa convoy protest dig in

'It was a standoff'

Protester Manbae Singh-Gall was in the first vehicle parked and blocking the road to a side entrance to the bridge Thursday. He said protesters were able to block the street despite the heavy police presence.

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies | CBC News

"It was a standoff, but we had grit and spirit, they have salaries," he said. "If they can run shifts, we can run shifts."

The west-end Windsor resident said he's been at the protests since Monday afternoon and his comrades are bringing more supplies.

WATCH / Protesters blocking another key road speak with police:



Protesters speak with police after blocking another key road in Windsor, Ont.

2 hours ago | 1:41

Police and protestors blocking the Ambassador Bridge in Windsor, Ont., attempt to negotiate late Wednesday night. Overnight, protestors blocked the only available route to the bridge, halting traffic in the city's downtown core. 1:41

"I want the right of choice. I don't mind the vaccine. I don't like them telling me," Singh-Gail said, adding he is not vaccinated, but only due to "laziness."

"My family lives in India. I haven't been in five years," he said, adding he couldn't visit for the last two year due to pandemic restrictions.

When asked what protestors want, Singh-Gail said, "Negotiation, middle ground, listen to us and we'll listen to you. Wise words prevail when leaders meet on the trail."

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies | CBC News

WATCH | Demonstrator says protest is for everyone's freedom, but trucker caught in traffic disagrees:



Protester says movement is for everybody's freedoms, but trucker disagrees

59 minutes ago | 0:50

During the fourth day of a blockade at Windsor, Ont.'s Ambassador Bridge, one protester explains why he's part of the demonstration, but a trucker caught in traffic says this movement is not for everyone. 0:50

Bridge access closed, nearest crossing faces blockages

There is no access into Canada coming from the U.S. via the Ambassador Bridge, which remains "temporarily closed," according to the Canada Border Services Agency (CBSA).

Officials continue to direct commercial vehicles to the Blue Water Bridge in Sarnia, Ont., but a portion of Highway 402 en route to that international crossing has been blocked since Thursday by protesters with farming equipment and other vehicles.

- **ANALYSIS** As protests spread and other provinces lift restrictions, Ontario's Doug Ford stays the course

Blue Water Bridge is experiencing major delays, up to three hours, for commercial traffic.

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies | CBC News

Ontario Liberal Leader Steven Del Duca visited Windsor on Thursday, and was critical of Premier Doug Ford for using "weak language" in the face of protests in Windsor and Ottawa, where demonstrations have been going on for over two weeks.

"I know Mayor [Drew] Dilkens and everyone else involved is working hard to untangle this really tough situation, but there are measures — I'm a former transportation minister — you can't block a controlled access in Ontario, a highway in Ontario without there being repercussions. We need real leadership from Doug Ford right now," Del Duca said to CBC News.

WATCH | Ontario's Liberal leader suggests strategies to stop protests blocking the bridge:



Ontario Liberal Leader Steven Del Duca says here are measures to take to stop protesters

48 minutes ago | 1:18

Ontario Liberal Leader Steven Del Duca visited Windsor Thursday, offering his strategies on how protesters can be stopped in Windsor and across Ontario. 1:18

Del Duca said he'd meet with local residents and business owners, but not protesters.

NDP Leader Andrea Horwath, and Windsor-Essex MPPs Lisa Gretzky (Windsor—West), Taras Natyshak (Essex) and Percy Hatfield (Windsor—Tecumseh) have written to the premier, urging him to end the blockade.

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge international crossing on Day 4 of rallies | CBC News

Prime Minister Justin Trudeau and Ford spoke about the protest late Wednesday, sharing tweets following the discussion.

"The blockades in Windsor and Ottawa are endangering jobs, impeding trade, threatening the economy, and obstructing our communities. They must stop. I spoke about that with [Premier Doug Ford] tonight — our teams will keep working to support Ontarians and get the situation under control," Trudeau tweeted.

- **Auto manufacturing slows to a crawl due to lack of parts from bridge blockade**

"We will continue working together to support our police forces as they manage these situations. We both agreed this must come to an end," said Ford in his tweet.

On Wednesday, Windsor police and Dilkens requested support from the province, including an additional 100 officers, vehicles and intelligence support.

2/10/22, 1:00 PM

Protesters step up blocking access to Ambassador Bridge International crossing on Day 4 of rallies | CBC News

Protesters and their vehicles line Huron Church Road in Windsor, Ont. Thursday. (Darrin Di Carlo/CBC)

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Visitez Radio-Canada.ca

THIS IS EXHIBIT "B"
REFERRED TO IN THE AFFIDAVIT OF
BRAYDEN BOUGHNER
SWORN BEFORE ME THIS 10th DAY
OF FEBRUARY 2022

.....
A Commissioner, etc.

2/10/22, 1:01 PM

Protest continues to prevent Canada-bound traffic from crossing Ambassador Bridge | The Star



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CANADA

Protest continues to prevent Canada-bound traffic from crossing Ambassador Bridge

By Maan Alhmidi and Liam Casey The Canadian Press

Wed., Feb. 9, 2022 | 4 min. read

JOIN THE CONVERSATION

A protest against COVID-19 measures prevented Canada-bound traffic from crossing a busy international bridge for yet another day as police in Windsor, Ont., looked to diplomacy to solve the problem.

Dozens of cars and trucks have set up on the Canadian side of the Ambassador Bridge, blocking the route to the border. Vehicles are able to get across to Detroit using a difference entrance to the bridge, which is the busiest international commercial border crossing in North America.

"We are taking a diplomatic approach and attempting to negotiate a safe and sustainable resolution," Windsor police Chief Pamela Mizuno said at a news conference on Wednesday.

"I realize this is an emotional time for many and urge everyone involved not to jeopardize public peace or participate in purposefully illegal events."

The police chief said her force cannot resolve the situation on its own, and needs help from the province and the federal government.

The blockade that began Monday is in solidarity with similar protests in Ottawa and across the country in recent days over COVID-19 vaccine mandates and broader public health measures.

Leo Lucio said he had spent the better part of the past three days at the protest in Windsor, which is happening not far from his home. He said recently returned from the protest in Ottawa, which caused that city's mayor to declare a state of emergency.

"It's a choke hold, that's what I call it," Lucio said in a phone interview of the blockade at the Ambassador Bridge. "Cutting the head off the snake and the snake being (federal) Liberal party."

Lucio said the protest isn't just about federal vaccine mandates for cross-border truckers. He would also like to see provincial pandemic restrictions gone and help for workers.

"It's the cost of living and everything else with it," he said. "It's a failure upon all levels of government."

He said he's the sole provider for a family of five and has seen his weekly grocery bill double from \$300 to \$600.

"I make 120 grand a year, so I'm not hurting, but I'll tell ya, lots of people are," said Lucio, who works as a machinist for a tooling company.

About an hour and a half away, a smaller protest shut down a portion of the highway leading to a different border crossing in Sarnia, Ont. The Blue Water Bridge itself, which links Sarnia and Port Huron, Mich., remained open.

2/10/22, 1:01 PM

Protest continues to prevent Canada-bound traffic from crossing Ambassador Bridge | The Star

Prime Minister Justin Trudeau said he was "very preoccupied" with the protests in Windsor and Sarnia. He said the federal government is working with the province and the City of Windsor.

"We need to stop the blockage of supply chains," he said. "Jobs are being affected."

Federal Emergency Preparedness Minister Bill Blair, a former police chief in Toronto, said the law must be upheld.

"Truckers who have kept our shelves stocked with the pandemic are currently being blocked or slowed down while carrying essential goods into our country and from our factories to their markets," Blair said, calling the protesters' blockade "unlawful."

"They're essentially putting their foot on the throat of all Canadians."

Premier Doug Ford called the protests an "ongoing illegal occupation and blockade" that's damaging the economy and is unacceptable.

"I remain confident that our police forces in Ontario, along with Royal Canadian Mounted Police and Canadian Border Services Agency, will take the appropriate steps to address the evolving situations in our cities and bring them to an end," he said in a statement.

The premier said he has spoken to the mayors of Windsor and Sarnia and offered provincial support.

Windsor Mayor Drew Dilkens said his office has received many complaints from local residents and business owners calling for the forced removal of the demonstrators.

"While it may be gratifying for some to see the forced removal of the demonstrators, such action may inflame the situation, and certainly cause more folks to come here and add to the protest," he said.

"We don't want to risk additional conflict."

Dilkens said negotiating with the protesters has been challenging because they don't have clear leadership.

"It's not like there's one person you can go to and try to find a resolution. There are pockets of people who are here," he said.

"They're not all here for the original mandate of the freedom convoy in terms of how it started."

The resolution of the situation require a-whole-of-government approach, he said.

"Leadership (is) required from Ottawa and Queen's Park to bring down the temperature and resolve these protests peacefully," he said. "We need continued partnership with federal and provincial governments and no jurisdictional finger-pointing."

The economic and social harm that the protests are causing in Windsor, Ottawa and across Canada is significant, Dilkens said.

More than \$450 million in goods cross the Ambassador Bridge each day, representing one third of all surplus trade between Canada and the United States, Dilkens said.

"Every hour this protest continues, our community hurts," he said.

- with files from Mia Rabson and Jim Bronskill in Ottawa and Allison Jones in Toronto

This report by The Canadian Press was first published Feb. 9, 2022.

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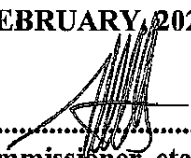
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THIS IS EXHIBIT "C"
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.....
A Commissioner, etc.

Police appeal for more officers, equipment to deal with protest

Dave Battagello

Feb 09, 2022 • 14 hours ago • 9 minute read •  43 Comments

Windsor Police Chief Pam Mizuno appealed to the federal and provincial governments Wednesday for more officers and equipment to deal with a protest that since Monday has shut down traffic on the Ambassador Bridge resulting in supply issues for local businesses, including automotive companies that employ thousands of people.

The bridge is North America's busiest border crossing.

"Given the nature of this situation and the enduring commitment of resources required to sustain public safety with an aim of a negotiated resolution, the Windsor Police Service is requesting police officers be dispatched to the city of Windsor to bolster current and potentially future requirements," said Mizuno in letters to federal Minister of Emergency Preparedness Bill Blair and provincial Solicitor General Sylvia Jones obtained by the Star.

The added officers are being requested to "add to the rotation of officers" needed address the bridge protest situation and "support on-ground strategies," she said.

Also included in her request were "marked police vehicles and tow-trucks (including heavy tows for large transport vehicles)," if required to be utilized.

Federal MP Irek Kusmierczyk (L — Windsor-Tecumseh) had conversations with Prime Minister Justin Trudeau and other high-ranking cabinet ministers on Wednesday to seek assurance that federal support will quickly be provided once the formal written request was received from Mizuno.

"The prime minister said himself in the House today that enough was enough and it was time for the protesters to go home," Kusmierczyk said. "This is affecting not only our community, but every community stretching all the way to Quebec. The impact on supply chains is huge."

Based on his conversations, he anticipates the government will move quickly to provide added RCMP officers, plus equipment, he said. Efforts will also be co-ordinated with Ontario Provincial Police to ensure whatever this city needs in terms of support to deal with the protest is provided.

"I have had conversations with a number of manufacturers, farmers and businesses and have definitely heard about the damage these protesters are doing to jobs and economy," Kusmierczyk said. "Plants and operations will shut down because of this protest."

"This is a small group of protesters holding our community hostage. Our focus is to provide resources to Windsor police to end this peacefully and swiftly, so traffic is restored on the bridge and business can resume."

Ontario Premier Doug Ford released a statement Wednesday criticizing the protest.

"The ongoing illegal occupation and blockade happening in Ontario must stop," he said. "The Ambassador Bridge is one of the most vital trade corridors in our country. The damage this is causing to our economy, to people's jobs and their livelihoods is totally unacceptable. We cannot let this continue."

Ford indicated he has spoken with both Windsor Mayor Drew Dilkens and Sarnia Mayor Mike Bradley, offering provincial support.

"I remain confident our police forces in Ontario, along with Royal Canadian Mounted Police and Canadian Border Services Agency, will take the appropriate steps to address the evolving situations in our cities and bring them to an end," the premier said.

Windsor West MPP Lisa Gretzky said the NDP is calling upon Premier Doug Ford and the provincial government to "provide the resources" to the City of Windsor, Windsor police, and the community "in order to be able to bring a peaceful end to this protest."

"It is not that we do not support people's right to have protests, or have their voices heard, and to share their opinions," Gretzky said.

"But when you are blocking an international border crossing and you are affecting trade, you are affecting livelihoods of hundreds of thousands of people — that is not the way to be communicating your concerns."

Asked if she supports Ontario NDP leader Andrea Horwath's comments on potential consequences for the protesters — such as revocation of licenses and commercial registrations — Gretzky said she agrees that the province and affected municipalities "should use every tool at their disposal, including the law, in order to bring an end to the blockades."

A peaceful resolution without forcibly removing a group of protesters on Huron Church Road remains the goal of local police and other authorities, said Dilkens on Wednesday.

"We have heard from countless residents for police just to go in there and remove everybody," he said. "But we have heard from one woman involved who outwardly stated she was so passionate about her cause she was willing to die for it."

"It is that type of sentiment we are dealing with. We don't want things to escalate where it is dangerous for members of police, the community or protesters themselves. At the end of the day we want this resolved, but for everyone to walk away without getting hurt and the bridge can reopen."

Police from the start have continued to keep open the lines of communication with organizers to "peacefully" resolve the blockade crisis in Windsor. Since Monday, truck traffic coming from Detroit has been halted, while trucks from Windsor headed across the border have been reduced to a trickle by accessing the bridge from Wyandotte Street.

The ongoing closure as of Wednesday was being caused by a blockade on Huron Church Road of about 50 to 75 vehicles and 100 people, said Mizuno.

She said police have been able to ensure emergency response vehicles have at least one lane in each direction available on Huron Church, if needed, but no other traffic is being allowed by the protest group in southbound lanes, while one lane northbound leading to the bridge is occasionally left available for traffic — although inconsistently.

Crowds — including many families with young children — were listening to music over speakers and waving flags, and the number of vehicles parked on Huron Church Road appeared to have grown by later Wednesday. Some people were barbecuing, while another group of protesters brought living room furniture.

As of about 8 p.m. Wednesday, protesters had expanded their territory south of Tecumseh Road and beyond the area police had already cordoned off, taking over three lanes of northbound Huron Church Road.

Officers were trying to negotiate with protesters to relinquish the newly taken lanes.

The protest group is made up of different entities, which has made it difficult to control their actions at any given moment and allow traffic on Huron Church to resume, the mayor said.

"If you talk to these folks it's an interesting experience and difficult to figure out even who their leaders are or what their issues are," Dilkens said.

"I used to work for a major airline," said Lori Inverarity, a Windsor woman present at Wednesday's protest. "I probably have had more vaccinations than half of Windsor, but I am against mandating vaccines. This has got to be freedom of choice for people and young people should not be losing their jobs."

"Yes, know people have died. But we have a very unhealthy society, I don't see Trudeau going after the junk food industry or mandating Vitamin D," Inverarity said. "But he's out there telling everyone they have to get the jab or lose their job. Firefighters, health-care workers, police force, military — the backbone of this society."

Another person present at Wednesday's protest said he and most of his family are vaccinated – but he had been participating in protests since Saturday because he objects to lockdowns and carbon tax.

"I think the vaccination is smart. I have grandkids, I don't want to be the person that transmits any disease to them for that matter," said Jim Boak. "I respect the people that don't want to take (the vaccine)."

Boak said he feels lockdowns "painted with the same brush" communities in drastically different circumstances, and says shutdowns weren't necessary, and did more harm than good for businesses doing their part with personal protective equipment and social distancing. He said he is also opposed to carbon taxing – which, while not a central message in ongoing protests, was mentioned by several people at Windsor's Ambassador Bridge protest Wednesday.

Windsor friends Darlene Thompson and Joanne Callaway came to Wednesday's continued protests at Ambassador Bridge because they are in opposition to vaccines and to the pandemic response by Prime Minister Justin Trudeau.

"They need to be taken down, everyone in that whole stupid Liberal cabinet, Trudeau, needs to go," Callaway said.

The pair also said they are skeptical of the vaccine, echoing a sentiment that protest organizers spoke about during some short speeches Wednesday afternoon.

"They're telling us: 'Get this shot and it'll go back to normal. Get another shot, it'll go back to normal.' And then they want you to get a booster now," Thompson said. "They just keep kicking the can down the road. It's never going to get back to what their normal is and it's never going to get back to how we want it. We want to get back to a Canada that is glorious and free."

Organizers took to the microphone to blast vaccines and share theories about the purpose and efficacy of COVID-19 vaccines.

Mizuno noted the police approach to date has been "strategic" with an understanding any action taken "will cause a reaction."

"We have to take that into consideration," she said, noting the potential to cause an infiltration into Windsor of protesters from other locales. "Our priority is public safety and keeping the peace."

Mizuno indicated only four tickets for moving violations have been issued to date by police to protesters, but police will "investigate" the actions of those involved and take actions "at the appropriate time to enforce the law."

The mayor listed the litany of economic impacts caused by the protesters closing down the bridge, which handles one-third of Canada's trade — up to \$450 million per day in goods and \$100 million alone involving the local manufacturing sector.

"Every hour this protest continues it hurts our community," he said. "We are very concerned of the lasting impact this will have on Windsor-Essex. Business requires certainty, including the auto sector and its just-in time delivery model.

"Our community will not tolerate this level of disruption for long."

In a video posted to the Local 444 Facebook page early Wednesday evening local president Dave Cassidy said "We have a lot of issues with our supply chain today. Definitely there's a negative impact."

"There's nothing more that I want, or that anyone wants, is for this pandemic to be over and everything go back to normal."

Reuters reported late Wednesday that Toyota Motor Corp does not expect its plants in Ontario to produce vehicles for the remainder of the week due to supply problems.

The crisis involving the Ambassador Bridge has reached the White House in Washington, according to the Detroit Free Press, which reported online that President Joe Biden's administration has spoken with Michigan Gov. Gretchen Whitmer, automakers, U.S. Homeland Security and Canadian counterparts about the trade and economic impacts.

"We're very focused on this, the president is very focused on this," said Biden's press secretary Jen Psaki.

The goal is to reach a "peaceful" resolution, but also to ensure the protest affecting bridge traffic does not continue for much longer, the mayor said.

"We are living in a democracy that allows the ability to protest to happen," Dilkens said. "That's OK. What's not OK is to put the livelihoods of Canadians and Americans at risk. You have 100 people holding the economy hostage. That's why we are not going to allow this to happen for any prolonged period."

Across the Detroit River, freeway exits leading to the entrance of the Ambassador Bridge continue to be blocked off on I-75, I-96 and the Lodge Freeway as of Wednesday morning, said Diane Cross, spokeswoman for the Michigan Department of Transportation.

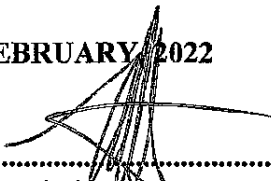
The Ambassador Bridge in Detroit was empty Tuesday afternoon as officials with the Canada Border Services Agency said demonstrations have caused the temporary closure of the bridge's point of entry. Until further notice, the CBSA encouraged travellers to use either the Windsor-Detroit Tunnel or the Blue Water Bridge in Sarnia as alternate routes.

Protesters were also making it difficult for truckers to reach the Blue Water Bridge on the Canadian side having set up a blockade on Highway 402 near Nauvoo Road — about 10 kilometres east of the bridge, according to Ontario Provincial Police.

The ongoing closure of the bridge has led to havoc on state freeways in the Port Huron area leading to the Blue Water Bridge where backups are varying in length throughout the day of up to 10 kilometres in length, Cross said.

“Some of the locals in Port Huron I’m sure are not happy,” she said. “Here in metro Detroit we are in pretty good shape. There is heavier traffic than usual leading to the tunnel.”

-With files by Dave Waddell, and Trevor Wilhelm

THIS IS EXHIBIT "D"
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OF FEBRUARY 2022

.....
A Commissioner, etc.

Local News

Ambassador Bridge traffic blocked by anti-mandate protesters

Trevor Wilhelm, Dave Battagello

Feb 08, 2022 • 2 days ago • 4 minute read •  124 Comments

Protesters choked off access to the Ambassador Bridge Monday, wreaking havoc at the border and leaving countless travellers stranded in gridlock, as the self-proclaimed freedom fighters waved flags and played hockey in the middle of Huron Church Road.

The Windsor faction of the national protest against COVID-19 mandates escalated efforts by planting big rigs, pickups and the occasional off-road vehicle on the highway, essentially cutting off the main commercial artery in and out of Canada.

"We are the people and we're going to fight for our country," Hilda Fisher, from Essex, said as people cheered and horns honked. "We're going to fight until we die. If we have to die fighting for it, we will."

Affected traffic, made up of mostly tractor-trailers not involved in the protest, was backed up for kilometres throughout the day Monday. The congestion stretched from Tecumseh Road, down Huron Church and across the Ambassador Bridge.

When the northbound traffic heading to Michigan did move, it was at a crawl.

Police officers monitoring the protest said around 6 p.m. that the southbound lanes of Huron Church coming into Canada had been at a complete standstill since around noon.

"The exit from the Ambassador Bridge onto Huron Church Rd (both northbound and southbound) is temporarily interrupted at this time," Windsor police said Monday in a Twitter post. "Avoid the area or find alternate route, if possible. Officers are working to restore the orderly flow of traffic in the safest manner possible."

The Canada Border Services Agency also issued an alert on social media warning travellers to stay away.

"Demonstrations are affecting border wait times at the Ambassador Bridge," CBSA said on Twitter. "Travellers are encouraged to reroute to the Windsor-Detroit Tunnel or Blue Water Bridge."

The southbound traffic was stopped for so long that some people played street hockey on Huron Church while others set up lawn chairs and recliners on the six-lane highway.

"I love it," said Fisher. "This is people coming together. We're all Canadians. We love our country. We want to live in it peacefully and not have mandates. We're Canadians, we

want to stick together. We're loving people. We don't want to hurt anyone. We just want our rights back."

The protest didn't show signs of letting up Monday night. Gil Ponte said around 6:30 p.m. that he'd been there for four hours, and he had no intentions of leaving any time soon.

He had a long list of grievances, including the government's handling of nursing homes during the pandemic, COVID-19 protocols preventing people from visiting loved ones in hospital, and the treatment of veterans in general.

"And enough with these Q codes," said Ponte, referring to the enhanced proof of vaccine certificates with scannable QR codes. "Q codes, it's just being racist towards people that are anti-vaxed. I'm double vaxed but I will not get a booster. I refuse. I'm done. After you get the third one, you're Q code probably won't be no good. Then you gotta get a fourth one and a fifth one."

Ponte said he's also angry about ongoing restrictions such as capacity limits in some businesses.

"Our prime minister isn't working the problem out about when we're going to open up," he said. "When are we going to live with this problem that we have? We know there's a pandemic. We know there's a disease out there. But we need to live with it. We need to open up our economy — I know we're closing it right now — but we're protesting because he's totally flat out ignored us."

As the trucker "freedom convoy" that first laid siege to Ottawa a week ago spread to other cities over the weekend, the Ontario Trucking Association disavowed the protesters.

In a statement issued Saturday, association president Stephen Laskowski said the "vast majority" of the Ontario trucking industry is vaccinated with an overall vaccination rate among truckers that "closely mirrors" the general public.

"The Ontario Trucking Association (OTA) does not support and strongly disapproves of any protests on public roadways, highways and bridges," Laskowski said. "OTA believes such actions — especially those that interfere with public safety and impede the flow of traffic or citizens — are not how disagreements with government policies should be expressed."

"We strongly urge all protestors to please respect traffic laws and comply with direction from authorities."

As of Jan. 22, the Canadian and U.S. governments has required all essential workers, including truck drivers, to be vaccinated in order to cross the border.

"As an industry we must adapt and comply with this mandate and the vast majority have," Laskowski said.

He also noted while some truckers are involved in the protests across Ontario, "it appears that most protestors have no connection to the trucking industry and have separate grievances beyond the cross-border vaccine requirements."

"As these protests unfold, OTA asks the public to be aware that many of the people you see and hear in media reports do not have a connection to the trucking industry and do not represent the view of the Ontario Trucking Association or its members," Laskowski said.

twilhelm@postmedia.com

TAB 6

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

- and -

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

AFFIDAVIT OF JASON WARD REYNAR
(Sworn February 10, 2022)

I, Jason Ward Reynar, of the City of Windsor, in the Province of Ontario, make oath and say:

1. I have been the Chief Administrative Officer of the Corporation of the City of Windsor (the "City") since April 6, 2021. As such, I have knowledge of the matters set out in this affidavit.

2. Bylaw number 9148 is a by-law to regulate traffic within the limits of the City of Windsor.

Sections 7(1)(a) and 12 of this by-law provides as follows:

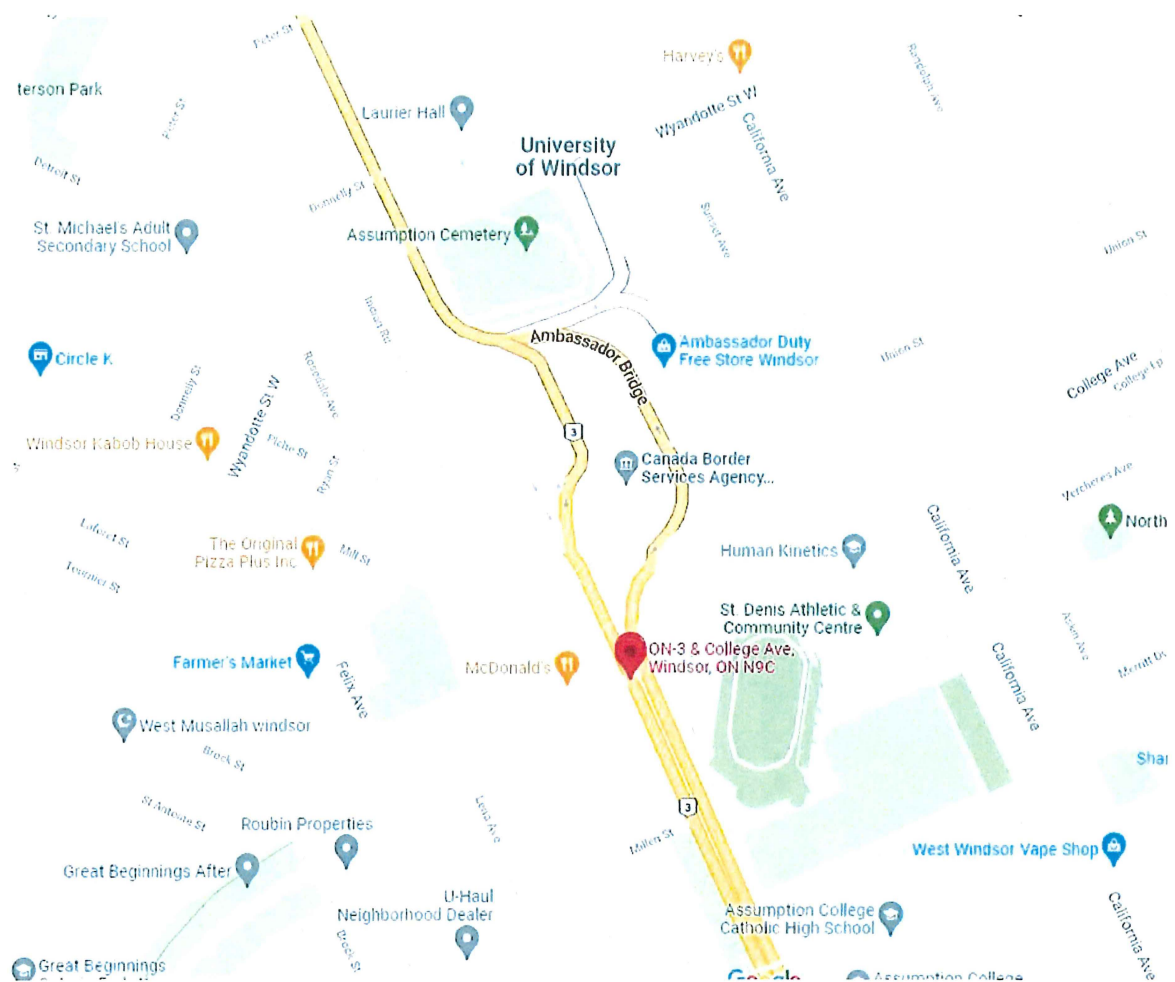
7(1)(a) No operator of a vehicle shall permit such vehicle to remain upon or be driven upon or along any street so as to block or obstruct traffic.

12. No person shall obstruct, encumber, injure or foul any highway or portion thereof.

A copy of Bylaw number 9148 is attached as Exhibit "A".

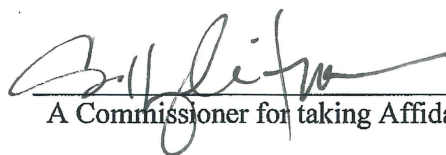
3. The intersection of College Avenue and Huron Church Road, is entirely located within the municipal area of the City, and is subject to by-law 9148.

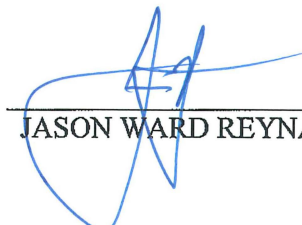
4. Below is a screen capture of a Google map showing the intersection in question, namely College Avenue and Huron Church Rd. in the City of Windsor, and its proximity to the Ambassador Bridge:



5. I make this affidavit for no other or improper purpose.

AFFIRMED BEFORE ME at the City
of Windsor, in the Province of Ontario,
this 10th day of February, 2022


A Commissioner for taking Affidavits


JASON WARD REYNAR

This is Exhibit "A"
referred to in the Affidavit of
JASON WARD REYNAR, sworn
before me this 10th day of February, 2022


A Commissioner, etc.

B I L L
No. 340
1987

(entire new text substituted B/L 393-2004, Dec. 13/04)

B Y - L A W N U M B E R 9 1 4 8

A BY-LAW TO REGULATE TRAFFIC WITHIN THE
LIMITS OF THE CITY OF WINDSOR

Passed the 28th day of September, 1987

WHEREAS pursuant to the provisions of paragraph 123 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended from time to time, the Councils of local Municipalities may pass by-laws subject to The Highway Traffic Act, for prohibiting heavy traffic as defined in the by-law, and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night, on certain highways and public places specified in the by-law, and for prohibiting traffic in any but one direction on highways that, in the opinion of the Council, are too narrow for the passing of one vehicle by another, or in which, in the opinion of the Council, it is desirable that traffic should be limited to one direction, and generally for the regulation of traffic on municipal highways; (amended B/L 12597, June 10/96)

AND WHEREAS pursuant to the provisions of Section 110 of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended from time to time (hereinafter called the "Highway Traffic Act", municipal corporations having jurisdiction over highways may, upon application in writing, grant permits for the moving of heavy vehicles, loads, objects or structures in excess of the dimensional limits set out in Section 109 or the weight limits set out in Part VIII, of the said Act, and may by by-law provide that such permits may be issued by an officer of the municipal corporation named therein; (amended B/L 12597, June 10/96)

AND WHEREAS pursuant to the provisions of subsection (2) of Section 123 of the Highway Traffic Act, municipal corporations having jurisdiction over bridges may by by-law approved by the Ministry of Transportation and Communications limit the gross vehicle weight of any vehicle or any class thereof passing over such bridges; (amended B/L 12597, June 10/96)

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

PART I
INTERPRETATION

1. In this by-law-

- (a) **"Bicycle"** includes tricycles having a wheel or wheels of more than sixty centimetres (60 cm.) in diameter;
- (a)(i) **"Bicycle Lane"** shall mean a dedicated portion of a road for bicycle use, which is designated by lane markings separating the portion of road used by motor vehicles from the portion used by bicycles; (added B/L 403-2001, Nov.5/2001)
- (b) **"Commercial Motor Vehicle"** means any motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses, and tractors used for hauling purposes on the highway and any vehicle bearing commercial license plates;
- (ba) **"Community Safety Zones"** means a highway or part of highway that is identified by "Community Safety Zone" signs as prescribed in regulations under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and where public safety is of special concern and fines have been increased for certain traffic violations; (added B/L 94-2000, Apr.3/2000, approved by MTO August 17/2000)
- (c) **"Corporation"** shall mean The Corporation of the City of Windsor;
- (d) **"Council"** shall mean the Council of the Corporation;
- (e) **"Crosswalk"** shall mean that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the roadway or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;
- (f) **"Curb"** shall include the edge of the travelled portion of the highway;
- (fa) **"Electric Kick-scooter (E-scooter)"** shall mean an electric kick-scooter as defined by the Highway Traffic Act, R.S.O. 1990, cH-8 as amended. (added B/L 62-2020, May 4/2020)
- (g) **"Gross Weight"** shall mean the combined weight of the vehicle and load;
- (h) **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, alley, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles;
- (i) **"Intersection"** shall mean the area embraced within the prolongation or connection of the lateral curb lines or if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other;
- (j) **"Motorcycle"** means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, and including a bicycle with a motor attached and a motor scooter;
- (k) **"Municipality"** shall mean the Municipality of the City of Windsor;
- (l) **"Operator"** shall mean any person who operates or who is in charge of a vehicle upon a highway;
- (m) **"Pedestrian"** includes a person with a physical disability requiring a personal mobility device and a child in a baby carriage. (substituted B/L 11778, Mar.28/94);
- (ma) **"Pedestrian Crossover"** means any portion of a roadway, as designated by this by-law at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by regulations passed pursuant to the Highway Traffic Act. (added B/L 10103, Jan.29/90; amended B/L 12597, June 10/96)
- (n) **"Police Officer"** shall mean a member of the Windsor Police Service of the City of Windsor;
- (n)(i) **"Registered Gross Weight"** shall mean the gross weight of the vehicle that is registered on the vehicle permit. (added B/L 402-2001, Nov.5/2001)

- (n)(ii) **Gross Vehicle Weight Rating**” shall mean the gross weight of the vehicle that is listed on the manufacturers sticker adhered to a vehicle’s door or body.(added B/L 15-2009, Jan.26/09)
- (na) **"Skateboard"** shall mean a board with rollers or wheels attached thereto and operated without a steering device and by balancing upon such board and shall include articles known as surf boards or surfing boards. (added B/L 9965, Oct. 2/89)
- (nb) **"Power Assisted Bicycle (e-bike)"** shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, cH-8 as amended. (ADDED B/L 135-2012 OCT 1/12)
- (o) **"Stop (when required)"** shall mean a complete cessation of movement;
- (o) 1 **"School Zone"** shall mean a portion of a Highway that adjoins the entrance to or exit from a school and that is within 150 metres along the Highway in either direction beyond the limits of the land used for the purposes of the school and that has been designated by the Corporation pursuant to Section 128(5) of the Highway Traffic Act, R.S.O. Chapter H.8 (ADDED B/L 183-2016 DEC 12/16)
- (p) **"Stop or Stopping (when prohibited)"** shall mean the coming to rest of a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic control signal or traffic sign;
- (q) **"Traffic"** shall include pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for the purposes of travel;
- (r) **"Traffic Control Device"** means any sign, or roadway, curb or sidewalk marking, or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic;
- (s) **"Trailer"** means any vehicle that is at any time drawn upon the highway by a motor vehicle, except an implement of husbandry and other motor vehicles, and any device or apparatus that is not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a sidecar attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (t) **"U-Turn"** means a turning of a vehicle within a highway so as to proceed in the opposite direction;
- (u) **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways running only upon rails;
- (v) **"Cul-de-sac"** shall mean that part of a highway open at one end only, with special provisions for turning around by a vehicle;
- (w) **"Unauthorized Motor Vehicle"** means a vehicle that does not have affixed thereto a current permit issued under the provisions of this by-law.
- (x) **"Wheelchair"** means a chair mounted on wheels driven by muscular or any other kind of power used for the carriage of a person who has a physical disability or requires mobility assistance. ("fauteuil roulant") (added B/L 60-2005, March 21/05)

2. Where any expression of time occurs or any hour or other period of time is stated, the time referred to shall be standard time or Daylight Saving time, whichever shall be proclaimed to be in effect in the Municipality.

PART II OBEDIENCE TO POLICE OFFICERS

3. In the event of highway construction, repairs, or maintenance, erection or placement of traffic control devices, or in the event of a fire or other emergency, or during a parade or other concourse of traffic, traffic may be directed by any police officer or by signs erected or placed at the direction of the Chief of Police of the City of Windsor as conditions require, and it shall be a violation of this by-law for any person to disobey or refuse to comply with the orders, signal or direction of such police officer or

such sign.

PART III
TRAFFIC SIGNS, PAVEMENT MARKINGS AND SIGNALS
(amended B/L 99-2002, Apr.2/2002)

4. (1) The Executive Director of Operations of the Corporation (or his designate) is hereby authorized to place or erect, and to maintain such signs and pavement markings as may be necessary to give effect to the provisions of this by law, or as are required to warn or guide traffic for the safety or convenience of the public. (amended B/L 99-2002, Apr.2/2002)

(2) (a) The Executive Director of Operations of the Corporation (or his designate) is hereby designated to approve the erection or installation of all traffic signal systems or traffic control signals used in conjunction with a traffic control signal system, provided, however, that approval must be obtained from the Minister or an official of the Ministry of Transportation Ontario authorized by the Minister to grant such approval where said works are erected or installed on a highway designated as a connecting link under subsection 21(1) of the Public Transportation and Highway Improvement Act.

(b) No person shall erect or install a traffic control signal used in conjunction with a traffic control system without approval from the Executive Director of Operations (or his designate). (substituted B/L 12987, June 16/97)

5. No person shall place, maintain or display upon or in view of any road any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device or which conceals from view or interferes with the effectiveness of any traffic control device

6. No person shall wilfully or deliberately move, alter, deface or otherwise interfere with any traffic control device erected or placed pursuant to the provisions of this by-law.

PART IV
DRIVING RULES

7. (1) (a) No operator of a vehicle shall permit such vehicle to remain upon or be driven upon or along any street so as to block or obstruct traffic.
- (b) No operator of a vehicle shall permit such vehicle to be so overloaded that the horse or horses or motor power shall be unable to move it at a reasonable rate of speed.
- (2) Whenever a vehicle becomes stalled or for any reason cannot be moved by its ordinary motive power, and in consequence thereof a street is obstructed, the owner or operator of such vehicle shall cause the prompt removal thereof by towing or otherwise.
- (3) No person shall drive any vehicle into or out of any alley, lot, stable, garage or driveway unless he first gives a warning signal.
- (4) (a) No vehicle shall be reversed or backed unless the operator thereof has first ascertained by observation that such movement may be safely made.
- (b) (i) No vehicle shall be reversed or backed without the operator thereof first having given an unmistakable warning signal to pedestrians and approaching vehicles.
- (ii) In no case shall a vehicle be reversed or backed around a corner at an intersection unless preceded by an operator's helper to observe that such movement may be made safely.
- (5) (a) No operator of a vehicle shall drive such vehicle on, over or across any fire hose laid on any street unless directed so to do by the person in charge of such a hose, or by a police officer.
- (b) (i) Any member of the Fire and Rescue Service may in the course of duty direct traffic on any street.
- (ii) No person shall disobey the directions of any such member of such Fire and Rescue Service.
- (6) Unless otherwise directed by a police officer, no person shall drive a vehicle on any portion of a street which is barricaded or otherwise indicated to be closed to traffic for the time being.
- (7) No operator of a vehicle shall make a U-turn on any street, except where there is a middle

boulevard or median dividing the roadway, and a turn is made at a crossing of such boulevard or median provided for vehicles, and without contravening any of the provisions of this by-law.

- (8) (a) No person shall drive a vehicle upon a sidewalk or footpath on a street except for the purpose of directly crossing the sidewalk or footpath, where such crossing is permitted.
- (b) No person shall drive a vehicle over a raised curb except at a place where there is a ramp, without the consent of the Corporation.

PART V GENERAL RULES

8. (a) No person shall ride or drive any horse or horses upon a sidewalk within the Municipality unless the permission in writing of the Executive Director of Operations of the Corporation shall have been first obtained.

(b) No person shall drive any cattle, sheep, pigs or other animals on any highway or sidewalk within the Municipality unless permission in writing of the Executive Director of Operations of the Corporation shall first have been obtained. (substituted B/L 12987, June 16/97)

9. No person shall operate slow moving construction or farming equipment, a horse, a vehicle drawn by a horse, a motorcycle having a cylinder swept volume of 50 cubic centimeters or less, a motorcycle driven by electricity stored in the vehicle, a motor assisted bicycle or a wheelchair on any portion of the E.C. Row Expressway or Dougall Parkway (between Howard Avenue and Sixth Concession Road) with the exception of those vehicles used in the maintenance of the Expressway. (substituted B/L 12987, June 16/97; amended B/L 11-1999, Jan.18/99) (Deleted B/L 62-2020, May 4/2020)

9. No person shall operate slow moving construction or farming equipment, a horse, a vehicle drawn by a horse, a motorcycle having a cylinder swept volume of 50 cubic centimeters or less, a motorcycle driven by electricity stored in the vehicle, a motor assisted bicycle, an electric kick-scooter (e-scooter) or a wheelchair on any portion of the E.C. Row Expressway or Dougall Parkway (between Howard Avenue and Sixth Concession Road) with the exception of those vehicles used in the maintenance of the Expressway. (Added B/L 62-2020, May 4/2020)

10. No person shall permit any animal or fowl to run at large on any highway.

11. No vehicle shall be drawn, hauled, driven, propelled or be used on, over, or along any boulevard, sidewalk, pathway or footpath used by or set aside for the use of pedestrians and forming part of any highway, or being in or upon any park, park lot, boulevard, garden or other place set apart for ornamental embellishment or public recreation within the Municipality; provided, however, it shall not be an offence under this section for a vehicle to cross over any such sidewalk, pathway or footpath where they intersect any alley, main road or driveway, or for a vehicle to be drawn, hauled, driven, propelled or used on, over or along that part of any park upon which vehicular traffic is permitted. *If compliance would be impracticable Section 11 does not apply to the following vehicles:*

- A) Ambulances, Police or Fire service vehicles actively engaged in the line of duty, including authorized vehicles responding to emergencies.
- B) Vehicles actually and actively engaged in works undertaken for or on behalf of,
 - 1) The City of Windsor, or Transit Windsor
 - 2) A public utility, including utilities providing telecommunications, energy, or water supply.

Operators of the above mentioned exempt vehicles shall, be cognizant of the safety of pedestrians and other users of the sidewalks or pathways and operate the vehicle in a safe manner. (added B/L 186-2008, Oct.21/08)

11(a). A wheelchair, as defined in Part I, shall be allowed to utilize any City sidewalk for its' intended use in assisting a person who has a physical disability or requires mobility assistance. Those utilizing a wheelchair shall be cognizant of the safety of pedestrians and other users of sidewalks, and operate the wheelchair in a safe manner. (added B/L 60-2005, March 21/05)

12. No person shall obstruct, encumber, injure or foul any highway or portion thereof.

13. No person shall erect or maintain any fence on any highway and no firewood or other thing calculated to obstruct any highway, or to obstruct or interfere with public travel thereon shall be placed or deposited thereon.

14. No person shall ride in or on or operate, and no person shall permit any person to ride in or on any motor vehicle while standing or sitting on the running boards thereof, or on any portion of the vehicle not designed for the carrying of passengers or merchandise.

15. No person shall coast or slide by the use of any hand-sleigh or any toboggan on any street.
16. No person shall intersect a funeral cortege or other procession without the permission and direction or a police officer or other person in charge of such procession.
17. (1) The provisions of this by-law regulating the stopping of vehicles shall not apply to the Fire and Rescue or Windsor Police Service vehicles, or to any ambulance while it is responding to a call, but this exemption shall not excuse a driver of any such vehicle from exercising due and proper care for the safety of other traffic.
17. (2) The operator of every such vehicle while responding to an emergency call shall sound or cause to be sounded continuously his siren, exhaust, whistle or bell attached to such vehicle.

PART VI PEDESTRIAN RIGHTS AND DUTIES

18. (1) No pedestrian shall cross diagonally any street or intersection.
 - (2) Every pedestrian shall keep to the right when walking on sidewalks.
 19. No pedestrian shall proceed over or under a barrier permanently installed at a safety zone or on a sidewalk.
 20. No person shall play or take part in any game or sport upon a highway.
 21. ~~No person shall use any toy, wagon, coaster, tricycle, or roller skates upon a highway other than a sidewalk or on a footpath otherwise reserved for pedestrians. (substituted B/L 9965, Oct. 2/89; amended B/L 10242, Apr. 30/90)(DELETED B/L 4-2015 JAN 5/15)~~
- No person shall use any wagon, coaster, tricycle or roller blades upon a highway where sidewalks exist
(ADDED B/L 4-2015 JAN 5/15)
- 21a. No person shall use a skateboard on:
 - (i) the roadways and sidewalks in the area lying between Erie Street and the Detroit River and lying between Pelissier Street and Goyeau Street; and (amended B/L 12717, Oct. 21/96)
 - (ii) the Expressways, Class I Arterials, Class II Arterials, Scenic Parkway and Class I Collectors as set out in Schedule "O" to this by-law. (added B/L 9965, Oct. 2/89; amended B/L 10242, Apr. 30/90; amended B/L 12987, June 16/97)
 - 21(b). Pedestrians are prohibited from using any part of the E. C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road) save and except when such person is engaged in Police duties, highway maintenance, highway construction or an emergency. (added B/L 10325, June 18, 1990; deleted B/L 12286, Aug. 14/95; added B/L 12987, June 16/97; amended B/L 11-1999, Jan. 18/99)

PART VII REGULATIONS RE BICYCLES (DELETED B/L 4-2015) REGULATIONS RE BICYCLES AND/OR POWER ASSISTED BICYCLES (E-BIKES) (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020) REGULATIONS RE BICYCLES, POWER ASSISTED BICYCLES (E-BIKES), AND/OR ELECTRIC KICK-SCOOTERS (E-SCOOTERS) (Added B/L 62-2020, May 4/2020)

22. (4) ~~A person operating a bicycle upon a highway shall ride as near the righthand side of the highway as practicable, and shall exercise due care when passing a standing vehicle or one proceeding in the same direction. (DELETED B/L 4-2015 JAN 5/15)~~
- (4) ~~A person operating a bicycle or power assisted bicycle (e-bike) upon a highway shall ride as near the righthand side of the highway as practical, and shall exercise due care when a standing vehicle or one proceeding in the same direction. (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)~~
- (1) A person operating a bicycle or power assisted bicycle (e-bike) upon a highway shall ride as near the righthand side of the highway as practical, and shall exercise due care when a standing vehicle or one proceeding in the same direction. (Added B/L 62-2020, May 4/2020)

- (2) ~~Persons operating bicycles upon a highway shall ride in single file, except when passing another vehicle. (DELETED B/L 4-2015 JAN 5/15)~~
- (2) ~~Persons operating bicycles or power assisted bicycles (e-bikes) upon a highway shall ride in a single file, except when passing another vehicle. (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)~~
- (2) Persons operating bicycles, power assisted bicycles (e-bikes) or electric kick-scooters (e-scooters) upon a highway shall ride in a single file, except when passing another vehicle. (Added B/L 62-2020, May 4/2020)
23. ~~No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands on the handlebars. (DELETED B/L 4-2015 JAN 5/15)~~
23. No person operating a bicycle or power assisted bicycle (e-bike) shall carry any package, bundle or article which prevents the rider from keeping both hands on the handle bars (ADDED B/L 4-2015 JAN 5/15)
24. ~~No person shall park a bicycle on a road except in such a manner as to cause the least possible obstruction to pedestrians or vehicular traffic. (DELETED B/L 4-2015 JAN 5/15)~~
24. ~~No person shall park a bicycle or power assisted bicycle (e-bike) on a road except in a manner as to cause the least possible obstruction to pedestrians or vehicular traffic. (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020).~~
24. No person shall park a bicycle, power assisted bicycle (e-bike) or electric kick-scooter (e-scooter) on a road except in a manner as to cause the least possible obstruction to pedestrians or vehicular traffic. (Added B/L 62-2020, May 4/2020)
25. (1) ~~No person shall ride a bicycle with a wheel or wheels more than sixty centimetres (60 cm.) in diameter upon a sidewalk. (deleted B/L 135-2012 Oct 1/12)~~
- (1) ~~No person shall ride a bicycle with a wheel or wheels more than sixty centimetres (60 cm.) in diameter or a Power Assisted Bicycle (e-bike) upon a sidewalk. (ADDED B/L 135-2012 OCT 1/12) (Deleted B/L 62-2020, May 4/2020)~~
- (1) No person shall ride a bicycle with a wheel or wheels more than sixty centimeters (60 cm) in diameter, a Power Assisted Bicycle (e-bike), or an electric kick-scooter (e-scooter) upon a sidewalk. (Added B/L 62-2020, May 4/2020)
- (2) ~~No person shall operate a bicycle on the E. C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road). (substituted B/L 12987, June 16/97; amended B/L 11-1999, Jan. 18/99) (DELETED B/L 135-2012 OCT 1/12)~~
- (2) ~~No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E. C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road). (ADDED B/L 135-2012 OCT 1/12) (Deleted B/L 62-2020, May 4/2020)~~
- (2) No person shall operate a bicycle, Power Assisted Bicycle (ebike), or an electric kick-scooter (e-scooter) on the E.C. Row Expressway or Dougall Parkway between Roseland Drive East and Sixth Concession Road. (Added B/L 62-2020, May 4/2020)
- (3) No person shall operate a Power Assisted Bicycle (e-bike) on a pathway shared by pedestrians and bicycles or on a pedestrian trail. (ADDED B/L 64-2013 MAY 6/13)
- (4) No person shall operate an electric kick-scooter (e-scooter) on a highway with a speed limit greater than 50 kilometers per hour. (Added B/L 62-2020, May 4/2020)
- A. ~~The highways set out in column 1 of Schedule "R" hereof, between the limits set out in Column 2 of Schedule "R" hereof are hereby designated as "Bicycle Lanes" and are solely for the use of bicycles. (added B/L 403-2001, Nov. 2001) (DELETED B/L 4-2015 JAN 5/15)~~
- B. i. ~~Subject to section 25 C., no person shall operate a vehicle other than a bicycle in any lane or portion of a lane designated under Schedule "R" except. (DELETED B/L 135-2012 OCT 1/12)~~
- Subject to section 25C no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule "R" except. (ADDED B/L 135-2012 OCT 1/12) (DELETED B/L 4-2015 JAN 5/15)

~~Subject to section 25c no person shall operate a vehicle other than a bicycle or a power-assisted bicycle (e-bike) in any lane or portion of a bicycle lane when properly worded or marked signs have been erected and are on display except: (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)~~

Subject to section 25c no person shall operate a vehicle other than a bicycle, power assisted bicycle (e-bike), or electric kick-scooter in any lane or portion of a bicycle lane when properly worded or marked signs have been erected and are on display except: (Added B/L 62-2020, May 4/2020)

- (1) For the purpose of ingress to or egress from a private lane or driveway adjacent to the designated lane;
 - (2) For the purpose of making a turn at a highway intersecting the designated lane;
 - (3) For the purpose of entering or exiting a curb lane used for parking;
 - (4) For the purpose of actually being engaged in the loading or unloading of disabled persons as defined in the Highway Traffic Act and its regulations; or
 - (5) For the purpose of a school bus actively engaged in the picking up or dropping off school children.
- ii. A person operating a vehicle in a designated lane for the purposes set out in Subsection 1 (1), (2), (3) and (4) shall not operate the vehicle in the lane for a distance exceeding forty-five (45) metres. (added B/L 403-2001, Nov./2001)

~~C. Section 25 B. does not apply to the following vehicles which are driven or stopped in any lane or portion of a lane designated under Schedule "R": (DELETED B/L 4-2015 JAN 5/15)~~

Section 25B does not apply to the following vehicles which are driven or stopped in any lane or portion of a bicycle lane when properly worded or marked signs have been erected and are on display (ADDED B/L 4-2015 JAN 5/15)

- i. Emergency vehicles, being vehicles operated to assist in fire fighting and fire prevention, ambulances, and vehicles operated by the Windsor Police Service.
- ii. Public transit motor vehicles owned and operated by the Transit Windsor as part of its regular public transportation service.
- iii. Vehicles actually engaged in works, undertaken for or on behalf of The Corporation of the City of Windsor, Transit Windsor or a public utility, including utilities providing telephone, natural gas or cable television services. (added B/L 403-2001, Nov./2001)

PART VIII TRAFFIC MOVEMENTS

26. (1) The highways set out in Column 1 of Schedule "A" hereof, between the limits set out in Column 2 of Schedule "A" hereof, are hereby designated as "THROUGH HIGHWAYS". (substituted B/L 11189, Oct.19/92)
26. (2) The designation in subsection 1 of this section, of a highway or part of a highway as a THROUGH HIGHWAY, shall not include any intersection where the highway intersected is a King's Highway or where traffic control signals are installed. (substituted B/L 11189, Oct.19/92)
27. The intersections set out in Column 1 of Schedule "B" hereof, are designated as intersections where STOP SIGNS shall be erected at the locations shown in Column 2 of Schedule "B" hereof. (substituted B/L 11189, Oct.19/92)
28. The intersections set out in Column 1 of Schedule "C" hereof, are designated as intersections where YIELD SIGNS shall be erected at the locations shown in Column 2 of Schedule "C" hereof. (substituted B/L 11189, Oct.19/92)
29. The portions of highways set out in Column 1 of Schedule "D" hereof, at the locations named in Column 2 of Schedule "D" hereof, are designated as PEDESTRIAN CROSSOVERS. (substituted B/L 11189, Oct.19/92)
30. Where properly worded or marked signs have been erected and are on display, the highways set out in Schedule "E" hereof are hereby designated as "ONE WAY STREETS".
31. When properly worded or marked signs have been erected and are on display, no operator of a

vehicle, other than of a bus of a public transportation system, while proceeding in the direction or directions on the highways or at the intersections set out in Schedule "F" hereof shall effect the turns prohibited therein during the times stated.

32. When properly worded or marked signs have been erected and are on display, the operator of a vehicle, other than of a bus of a public transportation system, while proceeding in the direction or directions on the highways or at intersections set out in Schedule "G" hereof shall effect the turns permitted therein during the time stated.

32A. That parts of the highway set out in column 1 of Schedule "D" at the intersection or location set out in column 2 of the said Schedule are hereby designated as Pedestrian Crossovers. (added B/L 10103, Jan. 29/90; amended B/L 11658, Dec.6/93)

PART IX TRUCK ROUTES

33. (1) The highways set out in Schedule "H" to this by-law are hereby designated as "TRUCK ROUTES".
- (2) When properly worded or marked signs have been erected and are on display, no vehicle having a gross vehicle weight rating or registered gross weight of four thousand five hundred kilograms (4,500 kg.) or more shall be operated on any highway in the City of Windsor other than the highways set out in Schedule "H" hereof, provided however – (amended B/L 402-2001, Nov.5/2001)(deleted and replaced B/L 15-2009, Jan.26/09)
- (a) that any commercial vehicle may be operated on any highway in the City of Windsor for the purpose of delivering or receiving, loading or unloading of goods, wares or merchandise, or in proceeding to or from a garage or other premise for the housing or repair of such motor vehicle and provided that -
- (i) such deviation shall be made at a point on one of the said truck routes nearest by road where the service is performed, and -
- (ii) on completion of the conduct of such business, such vehicle shall return by the shortest route to the nearest established truck route.
- (b) Such vehicles shall not be parked at any time on any highway or portion of highway other than the highways set out in Schedule "H" to this by-law.
- (3) The provisions of sub-section 2 of this section shall not apply to vehicles owned by the Corporation or to emergency vehicles, vehicles of a public transit system or to coal and oil trucks on delivery, or to a privately-owned commercial vehicle proceeding to and from the residence of the owner. (substituted B/L 10790, Sept. 9/91)
- (4) (a) When authorized Signs have been erected and are on display, the provisions of Subsections 1, 2, 3 and 4 of Section 122 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time, apply to the Highways named in Column 1 of Schedule "S" to this by-law, from the location or Highway named and/or described in Column 3 of the said Schedule, for the period from the 1st day of March to the 30th day of April, both dates inclusive, in each and every year.
- (b) If deemed necessary by the Executive Director of Operations, or any successor thereof, the period of the load restriction in Section 33(4)(a) may be extended to commence from the 1st day of February. (Section 4(a) and (b) added B/L 347-2003, Oct. 20/03)
- 33(4)(a) When authorized signs have been erected and are on display, the provisions of Subsections 1,2,3 and 4 of Section 122 of The Highway Traffic Act, R.S.O. 1990, c.H8 as amended from time to time, apply to the Highways named in Column 1 of Schedule "S" to this by-law, from the location or Highway named and/or described in Column 3 of the said Schedule, for the period from the 1st day of March to the 30th day of April, both dates inclusive, each and every year (ADDED B/L 2-2014 JANUARY 6, 2014)
34. (1) (repealed B/L 11574, Sept. 20/93)
- (2) (substituted B/L 9475, Aug. 2/88; repealed B/L 12149, Mar. 20/95)
- (3) The provisions of Sub-section (2) of this section shall not apply to vehicles owned by the Corporation or Transit Windsor.
- (4) (added B/L 9540, Sept. 26/88; deleted B/L 402-2001, Nov.5/2001)

- (5) (added B/L 9669, Jan. 23/89; repealed B/L 11658, Dec.6/93)

PART X
SPEED ZONES

35. No person shall drive a vehicle at a rate of speed greater than,
- (1) Twenty (20) kilometres per hour on the streets or portions of the street hereinafter set out in Schedule "I" hereof pursuant to the powers granted to the Council by Section 128(4) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (2) Thirty (30) kilometres per hour on the streets or portions of the streets set out in Schedule "N" hereof pursuant to the powers granted to the Council by Section 128(4) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (repealed B/L 11658, Dec.6/93; inserted B/L 12589, June 3/96)
 - (3) Forty (40) kilometres per hour on the streets or portions of streets set out in Schedule "J" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (4) Sixty (60) kilometres per hour on the streets or portions of streets set out in Schedule "K" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (5) Seventy (70) kilometres per hour on the streets or portions of streets set out in Schedule "L" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (6) Eighty (80) kilometres per hour on the streets or portions of streets set out in Schedule "M" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (7) One Hundred (100) kilometres per hour on the streets set out in Schedule "P" hereof pursuant to the powers granted to Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12987, June 16/97)
 - (8) Fifty (50) kilometres per hour on any street other than on those streets as set out in accordance with the provisions of subsections (1), (2), (3), (4), (5), (6) or (7). *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (added B/L 12987, June 16/97)

36. 1. The streets or portion of street set out in Schedule "T" hereof are designated as School zones (**ADDED B/L 183-2016 DEC 12/16**)
2. Notwithstanding section 35, on the streets or portions of streets set out in Schedule "T" hereof, no person shall drive a vehicle at a rate of speed greater than that specified therein during the times specified therein pursuant to the powers granted to the Council by Section 128(5) of the *Highway Traffic Act, R.S.O. 1990 Chapter H.8.* (**ADDED B/L 183-2016 DEC 12/16**)

PART XI
PERMITS

- 37.. (1) The Executive Director of Operations of the Corporation is hereby appointed and authorized to issue on behalf of the Corporation permits under Section 110 of the Highway Traffic Act with full power and authority to grant or refuse any such permit to the extent which the Corporation has now or may have under the said Section or any amendment. (**amended B/L 12597, June 10/96**)
- (2) A permit granted under this Section may be general or may limit the time and particular highway which may be used, and may contain any special conditions which are deemed necessary by the said Executive Director of Operations for the protection of the said highway from injury, and he may require a bond sufficient to defray the expense of repairing any possible damage to the said highway resulting from its use as set out in the said permit.
- (3) No person shall move or cause to be moved on any highway within the municipality any heavy vehicle, load, object or structure in excess of the dimensional limits set out in Section 109, or the weight limits set out in Part VIII of The Highway Traffic Act, as amended, unless he shall have first obtained a permit under this section so to do. (**amended B/L 12597, June 10/96**)

PART XII
APPLICATION AND ADMINISTRATION

38. This by-law applies only to highways under the jurisdiction of The Corporation of the City of Windsor.
- 38(a) The Executive Director of Operations (or designate) is hereby authorized to designate a highway under the jurisdiction of the City of Windsor as a construction zone and to designate speed limits for construction zones (**ADDED B/L 84-2013 JUNE 4/13**)
39. Schedules "A" to "S" inclusive, annexed hereto, shall form part of this By-law and each entry in a column of such Schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise. (**amended B/L 10242, Apr.30/90; amended B/L 12987, June 16/97; amended B/L 403-2001, Nov.5/2001**)(**deleted & added B/L 8-2006, Jan.30/06**)
40. Members of the Windsor Police Service of the City of Windsor shall have the duty of enforcing the provisions of this by-law.
- 40a. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not more than **One Thousand Dollars (\$1,000.00)**, exclusive of costs, and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as may be amended from time to time. (**B/L 9965, Oct. 2/89; B/L 10800, Sept.30/91; B/L 12597, June 10/96**)
- 40b. Every person who contravenes Section 21a of this by-law is liable to a fine of not more than **Twenty Dollars (\$20.00)**, exclusive of costs, and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as may be amended from time to time. (**added B/L 9965, Oct. 2/89; amended B/L 12597, June 10/96**)
41. That By-law Number 6683 be and the same is hereby repealed.
42. That this by-law shall come into force and effect on the 1st day of October, 1987.

"D. A. Burr"
MAYOR

"Thomas Lynd"
CLERK

First Reading - September 28, 1987
Second Reading- September 28, 1987
Third Reading - September 28, 1987

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

v.

JIM BOAK et al

Court File No.: CV-22-00030791-0300

ONTARIO

SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT WINDSOR

MOTION RECORD

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